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DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

10,732

FILE: B-195215

DATE: July 12, 1979

MATTER OF: Enviro-Development Company

DIGEST:

DLG 02112

[Propriety of contracting agency's rejection of protester's bid because protester's Operations Manager, who signed bid, was on debarred bidders list for violation of Service Contract Act is not for consideration by GAO, since Service Contract Act provides that Federal agency head and Secretary of Labor are to enforce act. Such enforcement powers include making determinations regarding affiliations with debarred individuals and firms.

By letter of June 9, 1979, with enclosures, Enviro-Development Company protested the rejection of its bid submitted in response to solicitation No. R3-0879-3, issued by the Forest Service, United States Department of Agriculture.

The above solicitation called for bids for tree thinning and piling in the Lincoln National Forest, New Mexico. Bids were opened on May 25, 1979, and Enviro-Development was the apparent low bidder. However, Enviro-Development's bid was signed by a Mr. Gene Woolbright who had, on March 1, 1977, been placed on the Comptroller General's debarred bidders list for violation of the Service Contract Act, 41 U.S.C. § 351, et seq. (1976). The act directs that no contract shall be awarded to such persons or firms, or to any firm, corporation, partnership or association in which such persons or firms have a substantial interest, until 3 years have elapsed from the date of publication of the list containing the name of such persons or firms.

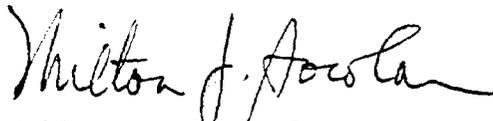
The Forest Service determined that Mr. Woolbright had a substantial interest in Enviro-Development since

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he had signed the bid and was identified by Enviro-Development as its Operations Manager. This was the basis for the Forest Service's rejection of Enviro-Development's bid. Enviro-Development contends that Mr. Woolbright is an employee and nothing more.

The question of whether Mr. Woolbright has a substantial interest in Enviro-Development, thus making that firm ineligible for award, is not for consideration by our Office, since the Service Contract Act provides that the Federal agency head and the Secretary of Labor are to enforce the act. Such enforcement powers include making determinations regarding affiliations with debarred individuals or firms. See Integrity Management International, Inc., B-187555, December 21, 1976, 76-2 CPD 515, and Dyneteria, Inc., B-186823, October 18, 1976, 76-2 CPD 338. However, the Forest Service's action may be appealed to the Department of Labor which, pursuant to 41 U.S.C. § 353(a) (1976) and section 4.189 of title 29 of the Code of Federal Regulations, is empowered to hold hearings in order to review such agency actions.

Accordingly, Enviro-Development's protest is dismissed.



Milton J. Socolar  
General Counsel